

## EXHIBIT 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEW YORK SMSA LIMITED  
PARTNERSHIP d/b/a VERIZON WIRELESS,  
ET AL.

Plaintiffs,

- against -

TOWN OF CLARKSTOWN, NEW YORK  
and the TOWN BOARD of the TOWN OF  
CLARKSTOWN, NEW YORK,

Defendants.

07 Civ. 7637 (CLB) (GAY)

CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER

EXHIBIT 1  
addendum

**CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER ~~EXHIBIT 1~~**

Pursuant to the Order of this Court dated September 14, 2007 and pursuant to the Federal Rules of Civil Procedure, counsel for the parties in this case conferred by teleconference on October 4, 2007, to discuss the matters set forth in Fed. R. Civ. P. 26(f).

The Court, having considered the proposals set forth in the parties' Report on Discovery Plan Pursuant to Fed. R. Civ. P. 26(f) filed on October 16, 2007, this 22 day of October 2007 hereby ORDERS as follows:

1. All of the parties to this action believe the issues raised in this suit are likely to be resolved by cross motions for summary judgment without resort to discovery.
2. In order to avoid needless expense, the parties have agreed to establish a schedule for cross motions for summary judgment, and wish to defer any potential discovery until after this Court has had an opportunity to rule on these motions.

3. The parties will file motions for summary judgment in accordance with the following schedule:

<b>Filing(s)</b>	<b>Deadline</b>
Plaintiffs' Motion(s) for Summary Judgment	January 11, 2008
Defendants' Response to Plaintiffs' Motion(s) for Summary Judgment; Defendants' Cross Motion(s) for Summary Judgment	February 29, 2008
Plaintiffs' Reply in Support of Their Motion(s) for Summary Judgment; Plaintiffs' Response(s) to Defendants' Cross Motion(s) for Summary Judgment	April 4, 2008
Defendants' Reply in Support of Their Motion(s) for Summary Judgment	May 9, 2008

*Oral argument on Motion(s) May 16, 2008 at 10:00 AM*

**Pleadings and Parties:**

4. Except for good cause shown, no additional parties may be joined, and no pleadings may be amended, more than 90 days after the Court rules on the summary judgment motions.

**Discovery:**

5. Discovery will be stayed until the Court rules on the summary judgment motions and no discovery deadlines will be set at this time.

6. In the event that resolution of the cross motions for summary judgment does not resolve all the issues raised in this suit, the Court will revisit discovery and set deadlines following its ruling(s).

*Charles L. Briant*

The Hon. Charles L. Briant  
United State District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK SMSA LIMITED  
PARTNERSHIP d/b/a VERIZON  
WIRELESS et al.

Plaintiffs,

v.

TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE  
TOWN OF CLARKSTOWN

Defendants.

**Case No. 07-cv-7637 (CLB) (GAY)**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed via the Court's electronic filing system on October 16, 2007 to the following counsel of record:

Christopher B. Fisher, Esq. (CF 9494)  
**CUDDY & FEDER LLP**  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
Tel.: 914.761.1300  
Fax: 914.761.5372

*Attorneys for Plaintiff  
New Cingular Wireless PCS, LLC*

Gregory D. Meese, Esq. (GDM 8738)  
**PRICE, MEESE, SHULMAN &  
D'ARMINIO, P.C.**  
50 Tice Boulevard  
Woodcliff Lake, NJ 07677  
Tel: 201.391.3737

*Attorneys for Plaintiff  
Sprint Spectrum L.P.*

Michael A. Lampert, Esq. (ML 1064)  
**SAUL EWING, LLP**  
750 College Road East  
Suite 100  
Princeton, New Jersey 08540-6617  
Tel.: 609.452.3123  
Fax: 609.452.3125

*Attorneys for Plaintiff  
Omnipoint Communications, Inc.*

Edward M. Ross, Esq.  
**ROSENBERG CALICA & BIRNEY LLP**  
100 Garden City Plaza  
Garden City, New York 11530  
Tel.: 516.747.7400  
Fax: 516.747.7480

*Attorney for Defendants Town of Clarkstown  
and Town Board of the Town of Clarkstown*

Megan Frances Carroll, Esq. (ML 1064)  
**ROSENBERG CALICA & BIRNEY  
LLP**  
100 Garden City Plaza, Suite 408  
Garden City, New York 11530  
Tel.: 516.747.7400  
Fax: 516.747.7480

*Attorneys for Defendants  
Town of Clarkstown and  
Town Board of the Town of Clarkstown*

/s/

Andrew G. McBride